Representation of Women in the Higher and Subordinate Judiciary in India: An Analytical and Empirical Study in Delhi NCR

Synopsis of the Research Proposal

Submitted for the Registration in the

Ph.D Programme (Part-Time) in Law

Submitted by:

Shristi Mittal

(Enrollment Number: 25JPPHNDLS006)

Under Supervision of

Dr. Ameesha Singh

(Assistant Professor)

ICFAI Law School

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TABLE OF CONTENTS

S. No.	Contents	Page No.
1	List of Abbreviations	**4**
2	Abstract	**5**
3	Introduction	**6**
4	Review of Literature	**8**
5	Research Gaps	**16**
6	Statement of the Problem	**16**
7	Significance of the Study	**17**
8	Research Questions	**17**
9	Research Objectives	**18**
10	Research Hypotheses	**19**
11	Research Methodology	**19**
12	Scope and Limitations of the Study	**20**
13	Expected Outcomes	**22**
14	Research Timeline	**22**
15	References	**24**

LIST OF ABBREVIATIONS

1) **CJI** – Chief Justice of India
2) **CRR** – Case Relevance Ratio
3) **EBC** – Economically Backward Classes
4) **GC** – Gender Context
5) **GEP** – Gender Equality Perspectives
6) **HC** – High Court
7) **HCS** – High Court Statistics
8) **ICJ** – International Court of Justice
9) **INSAF** – Indian National Statistical Analysis Forum
10) **NCW** – National Commission for Women
11) **NJAC –** National Judicial Appointments Commission
12) **NGO** – Non-Governmental Organization
13) **RTI** – Right to Information
14) **SC** – Supreme Court
15) **SLA** – Socio-Legal Analysis
16) **ST** – Scheduled Tribes
17) **SC/ST** – Scheduled Castes/Scheduled Tribes
18) **UK** – United Kingdom
19) **UN** – United Nations
20) **WLW** – Women Lawyers' Welfare
21) **WWL** – Women in Law
22) **WJP** – Women Judicial Panel

TITLE

"Representation of Women in the Higher and Subordinate Judiciary in India: An Analytical and Empirical Study in Delhi NCR"

ABSTRACT

Although constitutional protection of equality and judicial independence has been guaranteed for decades in India, the position of women in the upper judiciary is under-represented. Being a woman in the Supreme Court has been the exception, and High Courts are institutional and cultural exclusions. These changes are examined by examining the qualitative inputs, judge biographical information, archival data and secondary data on appointments and collegium recommendations in the study, to identify obstacles and opportunities for the advancement of women judges. The analysis through thematic coding and descriptive statistics reveals the disadvantages faced by women in a law profession which is dominated by a culture of patriarchy, collegium secret and dependency on elite professional networks. The trends are tokenistic appointments, short careers and regional differences in opportunity with cities better providing opportunities than rural areas. India is behind the developed countries in having diversity mandates and open judicial commissions. Outside representation, women's marginalization tarnishes the credibility of the judiciary, restricts gender-sensitive jurisprudence, and restricts democratic accountability. The study shows how cultural hierarchies effect legal outcomes, developing feminist institutionalism. Although the report has some constraints like restricted access to collegium files and the sample size of female judges is small, it gives significant policy, advocacy, and research pointers. The empirical study is the core of this study which will be done by the perception of retired judges, advocates and academicians of Delhi. The study will also aim to discuss their views on gender bias, transparency in the appointment process and the extent to which the current measures have been put into practice effectively to promote diversity in the judiciary in the form of surveys and questionnaires. The study is mixed methods research from doctrinal analysis that will provide a holistic understanding of the problem. It is hoped that findings will be a catalyst for attention to the gap between the principles of the Constitution and what is happening in practice, and for systemic change.

Keywords: Women's Representation, Higher Judiciary, Gender Equality, Legal Stakeholders

1. INTRODUCTION:

One of the fundamental principles that forms the basis of our constitution is the idea of equality. No citizen of India is subjected to discrimination on the basis of gender, race, caste, place of birth, ethnicity, or color. This is ensured by the basic rights, the preamble of the constitution, the fundamental obligations, and the directive principles of the state policy. The government took a number of measures in order to eradicate prejudice entirely and provide greater possibilities to those who belong to those classes or sectors that are disadvantaged. For instance, the reservation system was implemented in educational institutions and government workplaces for scheduled castes and scheduled tribes in order to provide them with equal employment possibilities and to improve their economic and social standings. The promotion of women's involvement in politics and other mainstream professions was assisted by the implementation of similar measures.[1]

The women got 33% reservation in the Panchayati Raj system and municipality. It leads to increased participation of women and also helped to increase the pace of women empowerment. They became self-sufficient and also inspired others. The reservation for women has majorly benefited the females living in rural areas. Over the years, due to many government policies and judicial changes the conditions of women have improved. A large population of females have stepped out of their houses to gain high education and get jobs of their choice.[2]

There is no doubt that they have made a great contribution to the nation on both the national and international levels. Despite all these, young girls continue to be victims of rape, molestation, child marriage, acid throwing, dowry killing, marriage burning, marital rape and so on.

Women were formerly considered unqualified for legal jobs. As society has grown, more women labor in this profession. Women are still underrepresented in the judiciary, particularly at the highest levels. The India Justice Report (IJR) 2022 found that 35.1% of district court judges are women, compared to 13.2% of high court judges and 12.5% of Supreme Court

[1] Mittal, G., & Jain, D. (2023). Women's equal representation in the higher judiciary: a case for judicial diversity in India. *International Journal of Comparative and Applied Criminal Justice*, *47*(2), 185-199.

[2] Krishnaswamy, S., K Sivakumar, S., & Bail, S. (2014). Legal and judicial reform in India: a call for systemic and empirical approaches. Journal of National Law University Delhi, 2(1), 1-25.

judges. Supreme Court history with all-female benches. A third all-female bench handled transfer applications, marriage conflicts, and bail cases. The Indian constitution protects and grants Indian women the following rights. The benefits of women in the judiciary include diversity, a balanced judicial system, clear visibility, public trust, role models, and more. Women's judicial underrepresentation is complex. Recent gains are important, but there are still challenges that hinder more women from occupying roles. Moving progress and improving judicial authority and women's representation is needed.[3]

The following Case Laws on Gender Justice and Equality are some of the most important:

1. **Shah Bano Case (1985):** The 62-year-old Muslim widow sought maintenance under Section 125 of the CrPC (now Bharatiya Nagarik Suraksha Sanhita, 2023) after her spouse divorced her. This section guarantees the maintenance of dependents, regardless of their religious affiliation. The Shah Bano case and later laws expose India's struggle between personal laws and constitutional equality. Despite political pushback, courts upheld women's maintenance rights, underscoring ongoing tensions over secularism, gender justice, and the need for reform and dialogue on a Uniform Civil Code.

2. **Vishaka v. State of Rajasthan (1997):** The Supreme Court examined the diverse facets of violence and discrimination that are directed at women. In Vishaka's case, the court established a set of guidelines that must be adhered to by the courts when processing such cases. The Central Government also consented to the implementation of the aforementioned guidelines and the development of policies that would enhance the welfare and well-being of women in all aspects of life, thereby ensuring their safety. The Supreme Court observed that sexual harassment of women violates the rights codified in Articles 14, 19, and 21 of the Indian Constitution.

3. **Nirbhaya Case (2012):** The 2012 Delhi Gang-Rape in India received unprecedented national and international publicity. Before this incidence, no Indian rape garnered such attention. The Delhi High Court supported death penalty for adult rapists in 2013 because the case was "rarest of rare." The Indian Supreme Court confirmed the ruling in 2014 and dismissed the rapists' appeals in 2017 and 2018. This article will quickly

[3] Krishnaswamy, S., K Sivakumar, S., & Bail, S. (2014). Legal and judicial reform in India: a call for systemic and empirical approaches. *Journal of National Law University Delhi*, *2*(1), 1-25.

outline the 2012 Delhi Gang-Rape before explaining India's court findings. This article will also examine India's Penal Code revisions.

4. **Triple Talaq Case (2017):** The Indian Supreme Court declared immediate triple talaq (talaq-e-biddah) unlawful on August 22, 2017. Triple talaq was declared unlawful by three of the five judges. Both remaining ruled the practice lawful.

5. **Sabrimala Case (2018):** The Hindu Sabarimala Temple in Pathanamthitta District, Kerala, India, honors Shasta. Since Shasta is a celibate god, reproductive-age women and girls cannot worship there. The Kerala High Court affirmed this tradition in 1991, excluding women and girls between 10 and 50 from attending the shrine.

6. **Indian Young Lawyers Association v. State of Kerala (2018):** Writ petitions under Article 32 of the Constitution before the Supreme Court of India created this case. The Kerala Government, Travancore Devaswom Board, Sabarimala Temple Chief Thantri, and Pathanamthitta District Magistrate are sued.

There is more to the debate on representation of women in the judiciary than the statistics. It is related to issues of substantive equality, legitimacy of the legal system, and the inclusion of other voices into the court's deliberation process. Comparative politics has demonstrated that female judges are more likely to make gender and contexts of gender justice, empathy and representation primary in their rulings, which impacts how the law is interpreted and how jurisprudence is shaped. It is noteworthy that there are fewer women on higher court positions as the Indian culture is marked by the confluence of institutional difference based on gender, caste and social class. The Indian court is not just a dispute resoluter, it is a facilitator or inhibitor of social change, an adjudicator of basic rights, and a regular interloper and protector of forgotten voices. Thus, the question of representation of the genders in the higher court isn't simply a question of representational fairness, but also a question of constitutional imperative.

2. REVIEW OF LITERATURE:

1. **B, Aswathy & Balakrishnan, et al., (2026)**[4] The research covers women in the Indian Judiciary, including representation, obstacles, and influence. Despite constitutional

[4] B, Aswathy & Balakrishnan, Dr & Krishnan, Lekshmi. (2026). A Study on Women's Presence and Participation in Indian Judiciary. International Journal of Creative and Open Research in Engineering and Management. 02. 1-5. 10.55041/ijcope.v2i3.220.

guarantees of equality and modest increases in women's legal profession admission, their representation is low. The descriptive study uses journal articles, reports, and government statistics. Women are overrepresented in the subordinate judiciary but underrepresented in the High Court and Supreme Court, indicating a 'leaky pipeline'. Women's development is hindered by structural impediments, gender prejudice, lack of mentoring, and opaque collegiums. The research also finds that gender diversity in the court promotes impartiality, inclusion, and credibility. The report suggests structural changes, open appointment processes, and supporting institutional mechanisms to increase women's participation in the Indian Judiciary.

2. **Bharad, Bhavesh (2025)**[5] Despite the fact that women have become more active in public life, they have been significantly underrepresented in positions of authority. In other words, there is an alarming absence of female representation in the court, particularly at the highest levels of leadership. One The participation of women in the judiciary is essential for the equitable representation of constituents, the resolution of their issues, and the delivery of competent judgments. The mere act of being a female judge and presiding over a case conveys a powerful message that the justice system is accessible and available to those who pursue it. It is encouraging to observe women re-entering traditionally male-dominated professions as justices in order to improve the perception of judiciaries as more open, welcoming, and reflective of the communities they serve.

3. **Kaur, Harleen. (2025)**[6] research demonstrates all professions that effect society, including the court, must acknowledge and engage women as they make up 50% of the world's population. A fair and gender-equal society and national socioeconomic success need their involvement in all sectors. Women judges in the Judiciary diversify opinions, provide more real and thorough verdicts, and reflect societal shifts toward a more equitable judicial system. Indian courts have progressively enhanced women's involvement in justice, and women criminal justice judges' landmark rulings furthering constitutional ideals and norms have helped bring about critical societal improvements. Positive actions are required to create a balanced and inclusive judiciary that observes

[5] Bharad, Bhavesh. (2025). JUDGING EQUALITY: A CROSS-JURISDICTIONAL ANALYSIS OF WOMEN'S REPRESENTATION IN HIGHER JUDICIARY. International Education and Research Journal. 11. 202-206.

[6] Kaur, H. (2025). Women's participation and gender inclusivity in the judiciary.

the rule of law and Indian Constitutional equality. Thus, this study paper examines India's court system's gender ratio and stresses the necessity to select gender-variant judges to create a genuinely inclusive and equal society.

4. **Shekhar, Pravesh & Nath, Gopal. (2024)**[7] This research examines India's complicated legal system's gender gap for female judges. Women attorneys are increasing, although professional advancement is challenging and female judges are underrepresented in the top echelons. This disparity may be due to institutional biases, assumptions, and unsupportive policies. Underrepresentation of women in courts restricts opinions and legal system effectiveness. The implications of India's female judge exclusion on the judiciary are examined in this research. It underlines the necessity for gender-sensitive legislation and gender bias and stereotype awareness to establish an inclusive and supportive legal environment for women. The paper also underlines women's influence on the legal system's future and their equal representation in senior courts. This essay concerns women's judicial exclusivity and government reaction. The report concludes with policy recommendations to prevent gender prejudice against female judges and achieve gender equality in the Indian legal system.

5. **Najiya, & Garg, Megha. (2024)**[8] Women's participation in Indian court decision-making is pioneering and growing. In addition to increasing their court numbers, female judges have shaped constitutional law, particularly gender justice and rights. Their choices emphasize social justice, equality, and women's rights in patriarchal societies. This article discusses female judges' crucial role in historic rulings, notably those pertaining to women's rights, gender justice, and progressive legal advances in India. Understanding how women have formed the constitutional framework and contesting patriarchal interpretations of the law is key to understanding judicial system change.

6. **Fuley, Tetyana. (2024)**[9] This investigation explores the development and implementation of gender equality training for justices in order to enhance their gender

[7] Shekhar, Pravesh & Nath, Gopal. (2024). The Status of Women Judges in the Indian Judicial System: A Gender-Based Study.

[8] Najiya, & Garg, Megha. (2024). THE CONTRIBUTION OF WOMEN ON JUDICIAL DECISION-MAKING IN THE INDIAN JUDICIARY. ShodhKosh: Journal of Visual and Performing Arts. 5. 10.29121/shodhkosh.v5.i4.2024.3423.

[9] Fuley, Tetyana. (2024). Gender equality courses for judiciary as a tool to enhance access to justice. Visegrad Journal on Human Rights. 48-59. 10.61345/1339-7915.2024.3.7.

awareness and guarantee gender-sensitive justice. The article proposes a method for achieving a value-shift transformation by utilizing a combination of multiple methods in a well-designed, holistic, yet adaptable manner, while considering the judicial skills. This approach is based on the recognition of the specific nature of judicial training. The initial section of this article establishes the contextual framework for judicial training on gender equality and outlines some of the common characteristics that all gender equality courses for the judiciary must possess.

7. **Mittal, G., & Jain, D. (2023)[10],** Democracy entails diversity. However, many democracies like India have judiciaries that do not represent their diversity. Most Supreme Court and High Court justices in India are upper-caste, cis-gender males. The law and justice worldview is homogenized. Gender stereotypes, discrimination, harassment, and inadequate institutional and infrastructural support hinder women judges and attorneys. Multiple oppressions arise from caste, class, sexuality, and religious identity. Critically examining feminist perspectives, we show structural and subconscious prejudices that lead to disproportionately few women judges. We then suggest structural changes to help India's higher court become more diverse.

8. **Narang, Inderpreet. (2023)[11]** seeks to understand how gender equality laws have changed and how they influence women's rights now. Over the last several decades, women's legal rights have gained recognition despite challenges. This study will analyze legislative reforms, legal safeguards, and the social context that shaped women's equality. This study will critically evaluate these legislative provisions' gender equality benefits using case studies, international frameworks, and legal landscape research of numerous nations. The research will identify legal system problems and offer ways to improve women's legal safeguards. Long-debated social, political, and legal issues like gender equality continue to need legislative change. Over the ages, women have faced persecution, discrimination, and inequity in education, work, health, and politics

[10] Mittal, Gita & Jain, Dipika. (2023). Women's equal representation in the higher judiciary: a case for judicial diversity in India. International Journal of Comparative and Applied Criminal Justice. 47. 1-15. 10.1080/01924036.2022.2164317..

[11] Narang, Inderpreet. (2023). EVOLUTION OF GENDER EQUALITY LAWS IN INDIA: LEGAL PROTECTIONS AND THEIR IMPACT ON WOMEN'S RIGHTS IN THE 21ST CENTURY. ShodhKosh: Journal of Visual and Performing Arts. 4. 10.29121/shodhkosh.v4.i1.2023.5381.

9. **Sinha, Shubha & Pandey, Srikant. (2023)[12]** Despite constitutional promises of equality and social justice, Indian women continue to face deep-rooted discrimination, marginalization, and violence. The struggle for gender equality in India is marked by a persistent gap between the ideals enshrined in the Constitution and the lived realities of women. Social structures grounded in patriarchy, economic exclusion, and cultural traditions continue to deny women equal status and access to justice.

10. **Kumar, Sachin. (2022)[13]** The Right to Equality guarantees legal equality for all citizens. Many things in daily life appear accessible to the average person, yet they are not. We notice numerous limits everywhere. Temples, mosques, the Supreme Court, and more. Articles 15(1), 16(2), and 42 safeguard women against gender-based discrimination in employment, benefits, and equality. Every gender should live with dignity and freedom under gender justice. Gender justice also entails sharing authority and duties at the grassroots level between men and women in families, businesses, schools, and national and international communities.

11. **Sood, Yoshita & Showkat, Et al. (2021)[14]** Indian democracy relies on representation to maintain its principles. This representation channels vox populi, influencing socio-political and economic institutions. However, 48% of the population is underrepresented in these institutions, demonstrating inadequate democratic procedures in India. This paper addresses reasons for underrepresented women in the Indian court and their social and legal repercussions. The low numbers may be due to the stringent recruitment process and sexist courtroom atmosphere. Previous rulings reveal that all men-benches reinforce patriarchal and sexist societal norms. Maintaining the status quo requires a more gender-diverse bench that can accommodate divergent viewpoints.

12. **Chouhan, Aishwarya. (2020)[15],** Unconscious or explicit gender bias in judge appointments has contributed to the higher Indian courts' gender imbalance. I propose

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[12] Sinha, Shubha & Pandey, Srikant. (2023). GENDER JUSTICE IN INDIA:THE CONSTITUTIONAL PROMISE AND THE LIVED REALITY. ShodhKosh: Journal of Visual and Performing Arts. 4. 10.29121/shodhkosh. v4.i2.2023.5019.

[13] Kumar, S. (2022). Right to equality and gender justice under the Indian Constitution.

[14] Sood, Y., & Showkat, S. (2018). Ramifications of the Dearth of Female Representation in Indian Judiciary: An Appraisal. International Journal, 1(3).

[15] Chouhan, Aishwarya. (2020). Structural and Discretionary Bias: Appointment of Women Judges in India. The Georgetown law journal. 21. 10.2139/ssrn.3482483.

structural prejudice and discretionary bias based on qualitative and quantitative data. Judges are selected with systemic bias: The Supreme Court's unwritten "seniority norm," which favors the nomination of the senior-most High Court justices to the supreme court, and the subordinate judicial level's "transfer policy," which bans judges from being appointed at their home or spouse's, are gender-biased. Judges' conscious or unconscious prejudices are discretionary. I believe politicians and decision-makers ignore women's maternity and marital obligations and their husbands' lack of responsibility-sharing, resulting in gender-biased appointments.

13. **Singh (2020)[16]** observes that the under-representation of women in the judiciary is a widespread issue across the Asia-pacific region and not limited to india alone. The study identifies barriers such as gender stereotyping, unequal family responsibilities, and biased judicial appointment practices that restrict women's advancement in judicial institutions.

14. **Ghosh (2020)[17]** mentions that these biases have an impact on the decisions that are made about appointments, professional advancement, and judgments of competence. Judicial work is a very demanding job and society expects women to be primarily responsible for care giving, research sheds light on the challenges faced in maintaining a healthy work-life balance.

15. **Indira Jaising (2019)[18]** utilises her extensive experience, outlines the structural challenges faced by women (including limited access to informal networks, gender discrimination and opportunities), and provides an explanation as to why women do not move up to higher judicial positions.

16. **OECD Gender Equality in Canada[19],** this report discusses Canada's gender equality efforts, focusing on institutional strategies such as the role of Statistics Canada in tracking gender equality progress. It underscores the importance of a whole-of-

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[16] Singh, S. (2020). *A comparative analysis of gender representation in the judiciary in Asia-Pacific: Challenges in India*. *Asian Journal of Law and Gender Studies*, *8*(3), 175-190.

[17] Ghosh, A. (2020). Work-Life Balance Challenges for Women Judges in India. International Journal of Gender Studies, 8(1), 23–39.

[18] Jaising, I. (2019). Structural barriers faced by women in higher judicial positions.

[19] OECD. (2019). Gender equality in Canada: Mainstreaming, governance and budgeting. Paris: OECD Publishing.

government approach, promoting collaboration across various branches of government to improve gender equality outcomes, particularly in the judiciary.

17. **Shen, Anqi. (2017)[20]**, focus primarily on women judges and their position in, and relation with, the judiciary. The first part of the chapter explores women's aspirations for being judicial officeholders, how they get into the judiciary, and (once they are in) their training, career paths and journey to the positions of power in court. The second part of the chapter examines women's roles and positions in court. More specifically, it explores how women judges, as a gender group in court, are presented in official discourses and their own qualitative experiences. It then presents the gendered problems of women judges and their job satisfaction. The chapter offers a detailed and nuanced account of women's lives in court and uncovers the myth of gender equality within the Chinese judiciary.

18. **Rao (2016)[21]**, the study shows that it is necessary to make proactive measures in order to encourage women to seek jobs in the legal and judicial disciplines. For the purpose of providing young women attorneys with the required skills and confidence, it is essential to have programs and initiatives in place such as scholarships, specialized training programs, and mentoring agreements.

19. **Miroslava & Reid, Rebecca. (2015)[22]**, investigated to determine how gender diversity affects appellate courts. Like the Supreme Court of Canada, the courts of appeal have considerable gender inequalities. Women are far more likely than males to favor the government in criminal trials and the individual in civil liberties issues. Moreover, substantial panel effects are seen. As the number of female judges rises, more male judges follow the traditional female approach to judicial results; critical mass theory is unsupported.

20. **Kay, Fiona & Et al. (2012)[23]** Women's legal rights and growth over a century are explored. In courts, legislatures, public discourse, media, and legal organizations, this

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[20] Shen, Anqi. (2017). Women in the Judiciary. 10.1007/978-3-319-57840-8_4.

[21] Rao, A. (2016). Affirmative Action in Judicial Appointments: A Step Towards Equality. Indian Journal of Public Administration, 10(2), 67–84.

[22] Songer, Donald & Radieva, Miroslava & Reid, Rebecca. (2015). Gender Diversity in the Intermediate Appellate Courts of Canada. Justice System Journal, The. 10.1080/0098261X.2015.1083816.

[23] Kay, F., et al. (2012). Women's legal rights and the Canadian legal profession.

limited profession was fought for. After legal barriers were eliminated, women experienced overt and subtle discrimination and exclusion. The Canadian legal profession is controversial. Law school and profession enrollment have grown for women. Women lack legal power and privilege. According to Canadian legal industry statistics, women are underrepresented in private practice, have fewer professional options, and lack influence, wealth, and status. However, Canadian women are pushing legislation to make the legal profession more sympathetic.

21. **Williams, Margaret (2008)[24]**, examines the presence of women in cross-national legislatures, typically focusing on how regional nations effect this representation. No international research has investigated women on high courts. We compile an original data collection of women's involvement on high courts in OECD nations from 2006 to 2007 to fill this gap. This data allows us to investigate how judge selection and nation structure impact women's representation. The reputation of the court, the procedure of selection, and the country's history and significance of women's involvement determine women's participation on these courts, which ranges from 0% to 60%. Our findings imply that elevated court design may affect representation.

22. **Peresie, Jennifer (2005)[25],** demonstrates that group gender composition plays a role in individual judicial decision-making, while Edwards (2003) reports that having more female judges on a panel increases the likelihood of courts being more receptive to cases that are more salient to women. Our hypotheses center around bureaucrat group gender compositions and the group's interaction with small groups of residents, we rely on prior research in judicial administration to inform our expectations.

[24] Williams, Margaret & Thames, Frank. (2008). Women's Representation on High Courts in Advanced Industrialized Countries. Politics & Gender. 4. 451 - 471. 10.1017/S1743923X08000366.

[25] Peresie, J. L. (2005). *Gender and the judiciary: The role of women judges in shaping fairer justice*. *Harvard Women's Law Review, 18*(1), 73-94.

3. RESEARCH GAPS:

1. While the international academic and research community is seeing an increasing number of studies on gender and the judiciary, in India, there are few empirical studies done on the admittance of women to the higher judiciary.

2. Existing literature has largely been anecdotal/biographical of women judges who have made significant contributions to the role or general discussion on the lack of diversity.

3. However, there is minimal research into structural and cultural and institutional constraints for the advancement of women in the Supreme Court of India, High Courts and the subordinate courts in Delhi NCR region over past few decades. Furthermore, empirical studies which integrate quantitative trends and qualitative information of judicial players has been limited.

This is particularly troubling given that without empirically informed understandings of barriers and pathways to transformation, policy solutions are likely to be superficial. The policy conversations that happen around Indian judicial reform mostly concern the openness of the Collegium, but hardly ever include gender diversity as a critical component of change. In view of this, the lack of research that are supported by empirical evidence forms the very basic gap that this work intends to solve.

4. STATEMENT OF THE PROBLEM:

1. Despite having been over 70 years independent and enjoying the equality guaranteed under the Constitution of India, the higher judiciary itself is still predominantly a male preserve.

2. Out of the more than 270 judges appointed since its inception in 1950, only 11 women have been elevated to the Supreme Court and none of them has ever been appointed the Chief Justice of India.

3. Women's representation is still disappointing (less than 5% of the bench) at the HC level.

4. The Hon'ble D.Y. Chandrachud, former Chief Justice of India has recently underscored the importance of diversity and inclusivity in the legal profession.

5. Out of the total strength of 33, there is presently, one sitting female judge, Justice B.V. Nagarathna after Justice Bela M. Trivedi retired in 2025. In September 2027, Justice B.V. Nagarathna might become the first woman CJI after 75 years of independence.

6. Pinky Meena v. The High Court of Judicature for Rajasthan (2025 SC) Supreme Court pertinently reiterated and emphasized that the participation of women in the judiciary is of great significance and it helps in achieving Gender Equality and enhancement of judiciary.

5. SIGNIFICANCE OF THE STUDY:

1. After 72 years of independence, higher judiciary of India paints a gory picture when it comes to equal representation of women in the benches. The popular discourse in India takes place on case backlog, inadequate number of judges, and predominance of caste or religion-based appointments of judges but not on having an inclusive judiciary with an equal gender representative character.

2. The constitutional courts were earlier, impenetrable for women due to multifarious social and educational reasons; however, now with equal access to education, number of women opting for legal profession is on a rise.

3. Standing from that point, this study intends to delve upon the ubiquitous diversity factor that prevails in the higher judiciary on convention in India.

4. The study aims to explore the presence and effect of gender diversity in the method of selection of Supreme Court judges

6. RESEARCH QUESTIONS

Informed by the above goals, the research endeavors to respond to the following research questions:

1. What is the current level of women's representation in different levels of judiciary?

2. What structural, institutional and socio-cultural barriers affect women's representation in judiciary?

3. How does existing constitutional and institutional framework influence gender equality in judicial appointments?

4. Whether best appointment practices relating to women's representation in judicial appointment in foreign law reflects in judicial appointment in India?

5. What perceptions exist relating to gender disparity in judicial appointments in the study area?

6. What legal, institutional and policy reforms are necessary to ensure gender inclusivity in judicial appointments particularly in higher judiciary?

7. RESEARCH OBJECTIVES:

This research primarily examines the progress achieved in enhancing women's involvement in the Indian courts. It discusses the increasing presence of women in the legal profession, which has progressively facilitated their entry into the court.

The specific objectives are:

1. To analyze the representation of women in both the higher and subordinate judiciary in India, with particular emphasis on Delhi NCR.

2. To examine the constitutional and legislative framework of gender equality within the Indian judiciary.

3. To ascertain the social, cultural, and institutional impediments influencing women's engagement and progression within the judiciary.

4. To examine the difficulties encountered by female judicial officials in reconciling professional and personal obligations.

5. To assess the efficacy of current policies, reservation strategies, and gender awareness programs within the judiciary.

6. To propose initiatives and changes for guaranteeing equitable representation and the empowerment of women within the Indian judicial system.

8. RESEARCH HYPOTHESES:

H1: Women are significantly disadvantaged compared to men in their representation in the higher judiciary in India due to structural, institutional and socio-cultural barriers.

H2: There is a lack of adequate judicial appointments laws and mechanisms to ensure fair representation of women in the higher judiciary.

H3: In India, legal stakeholders believe that the appointment of judges is gender-biased.

9. RESEARCH METHODOLOGY:

Research Design:

The research will use a mixed-method methodology, integrating both doctrinal (analytical) and non-doctrinal (empirical) approaches. This methodology will facilitate the analysis of the legislative framework with the actual experiences and representation of women inside the judiciary.

Universe of Study:

This study will mainly target Supreme Court of India, High Court of all states and Subordinate Courts in Delhi NCR.

Sample of Study:

The study will focus on retired judges, advocates and legal academicians of Delhi. The presence of retired judges, and retired members of higher courts would offer institutional perspectives on how courts work and how they make appointments. Advocates, particularly those who practice in the High Court and lower courts, will also be engaged as they play a key role in the judicial appointment process, and thus have direct knowledge of gender dynamics

in the legal profession. Legal scholars and academicians will give theoretical insights on gender equality, judicial reforms.

Sampling Technique:

For this study we will adopt purposive sampling technique.

Sample Size:

The sample of 400 participants will be taken. The sample will consist of retired judges, advocates, and academicians.

Data Analysis:

Qualitative data from structured questionnaires, interviews and secondary sources will be analysed using thematic analysis to identify patterns, concepts and main themes. To find out changes and trends on gender representation of judges over time, descriptive statistics will be used.

Sources of Data:

Both primary and secondary data will be utilized for this study: -

- Primary Data: Structured questionnaires and interviews administered to senior advocates, legal practitioners, retired judges and legal scholars.
- Secondary Data: Archival records, judicial biographies, collegium recommendations, legal documents, case studies, official reports, government data, and historical records documenting the gender composition of the judiciary.

10. SCOPE AND LIMITATIONS OF THE STUDY:

SCOPE:

This research objective is to study the issue of women's representation in India's higher judiciary, namely in the district courts of Delhi NCR to the High Court and then Supreme Court. namely, the research will focus on the Supreme Court. Additionally, it makes an effort

to examine the level of gender discrimination as well as the structural, institutional, and socio-cultural framework that influences the appointment and promotion of female judges. This is in addition to the fact that it makes an attempt to study the extent of gender discrimination. This study makes use of the socio-legal approach, which is the primary technique that is used in this investigation. The socio-legal approach is comprised of the combination of the doctrinal analysis and the empirical data.

LIMITATIONS OF THE STUDY:

Although the current study is extensive in its methods, it has some limitations which can confound the scope and overall applicability of the results.

1. Geographical Scope: Primary data collection in Delhi. Thus, legal stakeholder's perspectives may not reflect those of other areas of India with dicerse socio-legal and professional contexts.

2. Sampling Bias: Retired judges, lawyers, and academic served as stakeholders. Sitting judges and senior members of the higher court are likewise bound by practical restrictions, which may limit institutional viewpoints.

3. Response Accuracy: Response Accuracy Self- reported data from surveys and interviews may be skewed. Socially acceptable responses may be given to delicate problems like gender discrimination

4. Lack of current and full information: Another drawback is the lack of current and complete information about judge appointments and gender representation. Because there are no centralized and accessible data sources, statistical analysis might be inaccurate.

11. EXPECTED OUTCOMES:

- This research will examine the biases and challenges that women in the Indian court continue to confront. This will address obstacles such as gender stereotypes, unconscious prejudice, and cultural expectations that may hinder women's professional advancement and access to critical decision-making roles.

- Furthermore, it will investigate the challenges associated with reconciling professional and personal responsibilities, along with the need for infrastructure and legislation that might provide assistance. The abstract will also highlight ongoing efforts to promote gender equality in the Indian judicial system.

- To combat gender biases and foster an inclusive workplace, initiatives such as mentoring programs, gender sensitization committees, and awareness campaigns will be instituted. It will underscore the need of a holistic strategy that integrates institutional enhancements, legislative reforms, and cultural shifts to provide equitable opportunities and just representation for women in the court.

12. RESEARCH TIMELINE:

Phase	Months	Targets
1	1-6 months (Year 1)	In the development of the proposal outlines, the literature review will be finalized. The proposal outlines will be a roadmap for the research. This means the development and testing of data collection tools and the identification of relevant legal issues. In addition, administrative and judicial data will be collected. An RTI will be filed to collect information on the representation of women in higher judiciary which is relevant to my research. Main emphasis on data collection and legal analysis.

2	7-12 months (Year 1)	Complete Data collection of the issues to arranging the data collected. Feeding, decoding of data, and Tabulation of data. Writing of chapters and review by the guide.
3	13-18 months (Year 2)	Interpretation and Analysis of data collected, Compilation of material, and report writing
4	19-24 months (Year 2)	Complete the Conclusion & Suggestions with the Recommendations. Final editing and proofing of thesis with Plagiarism checked certificate. Submission of Research Thesis and prepare for viva voce.

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